

Panaji, 5th January, 1990 (Pausa 15, 1911)

SERIES II No. 40



# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

### EXTRAORDINARY

#### GOVERNMENT OF GOA

##### Department of Mines

Order

No. 5/16/89-ILD

Whereas M/s. A. H. Jaffar & Sons (hereinafter referred to as the 'said party') have vide their application dated 26-8-1988 sought the renewal of the mining lease bearing No. 4/NSD/Sil/69 for extraction of Silica sand over an area of 50.71 Ha. situated at villages Cavelossim and Carmona of Salcete taluka, State of Goa (hereinafter referred to as the 'said mining lease');

And whereas after scrutiny it is found that the said party has not submitted the following documents as required under sub-rule (3) of rule 22 of the Mineral Concession Rules, 1960 (hereinafter referred to as the 'said rules');

1. An approved mining plan.
2. A statement in writing that the applicant has, where the land is not owned by him, obtained surface rights over the area.
3. A valid clearance certificate issued by the Directorate of Industries and Mines after payment of mining dues.

And whereas a notice bearing No. 96/525/88-Mines/21 dated 5-1-1989 was issued to the said party as required under sub-rule (3) of rule 26 of the said rules;

And whereas by his reply dated 3-2-1989 the said party has informed that as per the covenants of lease deed executed by the Govt. with him, it was incumbent upon the Govt. to renew the lease for one more equal period and as such the said party was not bound to submit the documents as required by the Government.

And whereas the reasons furnished by the party vide his letter dated 5-2-1989 in response to the aforesaid notice dated 3-1-1989 are not found to be satisfactory.

And whereas it is found that the mining plan submitted by the party for approval with the Indian Bureau of Mines, has been rejected by letter No. MP/MAN-88/GOA/88-Vol. II dated 17-4-1989 on the following grounds:

1. The mining in the lease area may change the coastline resulting in change in the configuration of the National Boundary by encroaching of the sea further on land.

2. The area disturbed by mining is more prone to erosion due to wind and rainfall. The top vegetation covers over the sand dune is removed during mining, consequently it is more prone to erosion.
3. There are agricultural fields in and around lease area. The fertility of this land gets affected due to silting and wind blown sand.
4. The quarrying in depth may likely disturb the ground water condition in this area.
5. The mining and connected transport activity in the lease area which it also tourist spot cause annoyance to the tourist and the local inhabitants.
6. The area is also of strategic importance. Indian Naval installation is located adjacent to the South boundary of the applied lease area for renewal.
7. The major portion of the lease area is within 500 mts. of the high tide line and mining in this area is violative of Item 12 of Circular No. 2/3/86-IO dated 31-7-1986 from the Ministry of Environment and Forest to all Chief Secretaries of States regarding protection of beaches. A part of the present mine workings is as close as 200 mts. from the high tide line.

And whereas a notice bearing No. 5/16/89-ILD dated 20-12-1989 was issued to the party calling upon him to attend the personal hearing before the Secretary Mines on 29-12-1989 at 10.00 a.m. as required under rule 26(1) of the Mineral Concession Rules, 1960.

And whereas the said party failed to attend the said hearing on the above mentioned date and time.

And whereas it is the policy decision of the Govt. not to grant or renew any silica sand leases along the coastal line of Goa as the extraction of silica sand along the beaches and the sea coast of Goa is causing environmental problems.

And whereas in Writ Petition Nos. 23, 24, 25 and 145 of 1987 filed in the High Court of Judicature at Bombay, Panaji Bench, the State of Goa has been directed not to create any fresh lease in respect of six leases which includes the area in question. The State of Goa has also been directed not to renew any of these leases.

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 26 of the Mineral Concession Rules, 1960, the Government of Goa hereby refuse to renew the said mining lease.

R. S. Sethi, Secretary (Mines).

Panaji, 1st January, 1990.